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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/875,311	06/06/2001	Bruce Barger	CM2373	7052

27752 7590 03/29/2004

THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION
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EXAMINER

STINSON, FRANKIE L

ART UNIT PAPER NUMBER

1746

DATE MAILED: 03/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/875,311

Applicant(s)

BARGER ET AL.

Examiner

FRANKIE L. STINSON

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 and 31-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 and 31-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 8, 9 and 11-37 rejected under 35 U.S.C. 103(a) as being unpatentable over Hawes (W079/48927) in view of either Willard, Sr. or Scheller.

Re claim 1, Hawes is cited disclosing a process for cleaning a surface comprising contacting the surface with an aqueous composition where the composition comprises a polymer to make the surface hydrophilic, then rinsing the surface with purified water by using a hand held sprayer attached to a garden hose that differs from the claims only in the recitation of the composition having a pH less than 9. Scheller and Willard disclose a process for cleaning a surface where there is employed a composition having a pH less than 9, (see Scheller col. 2, lines 47-50 and Willard, col. 7, lines 1-5). It therefore would have been obvious to one having ordinary skill in the art to modify the composition of Hawes, to have the composition with a pH of less than 9 as taught by either Willard or Scheller, for the purpose of providing a more acidic composition. Re claim 2, Hawes discloses the wetting of the surface. Re claim 3, Hawes discloses the rinsing step. Re claim 4, Hawes discloses the material. Re claim 8, Hawes discloses the polymer. Re claim 11, Hawes discloses the purifier. Re claims 12-14 and 31, Hawes discloses the resin as claimed. Re claims 15-17, Hawes discloses the purified sprayed cleaning composition. Re claim 18, Willard discloses the neutral pH. Re claim 20-24, no patentable distinction is deemed to exist between the groups as claimed and the

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corresponding material as taught by Hawes. Re claim 25, Willard and Scheller disclose the surface being that of an automobile. Re claims 26 and 27, the material remaining on the surface is deemed to be inherent. Re claim 28 and 29, to have the material remaining after a plurality of rinses, is deemed to be an obvious extension of the teaching of Hawes. Re claim 32, Hawes discloses the hose-end sprayer and container. Re claims 33 and 34, Hawes is cited as applied to the subject matter of claims 1 above, and thusly, the claims define over Hawes only in the recitation of the surface being that of an automobile. Willard and Scheller disclose the surface being that of an automobile. It therefore would have been obvious to one having ordinary skill in the art to modify the process in Hawes to clean the surface of an automobile since Willard discloses the cleaning of exterior windows of an automobile. Re claim 35, Hawes discloses the container. Re claim 36 and 37, Hawes discloses the spraying device.

3. Applicant's arguments with respect to claims 1-29 and 31-37 have been considered but are moot in view of the new ground(s) of rejection.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In Futrell, Schulze et al., Burke, Ehrick et al., and Marcus et al., note the cleaning means/methods.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANKIE L. STINSON whose telephone number is (571) 272-1308. The examiner can normally be reached M-F from 5:30 a.m. to 2:00 p.m. and some Saturdays from 5:30 a.m. to 11:30 a.m.

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The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to TECHNOLOGY CENTER 1700 (571) 272-1700.

Any inquiry for missing parts of this Office Action (copies of references, pages, forms etc.), contact the TEAM LEADER Ms. Nicol Scott (571) 272-1045.

fls



FRANKIE L. STINSON
Primary Examiner
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